

REMARKS

Claims 1-18 are all the claims pending in the application. Claims 15-18 are withdrawn as being drawn to a non-elected invention. Claims 1-15 presently stand rejected.

Claims 1-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 9-21164 to Idota as set forth in the previous Office Action.

Analysis of Prior Art Rejections

The Examiner disagrees with the arguments filed on October 31, 2007.

The Examiner states that “[t]he recessed chamber 44 where agent 50 is located has plural apertures (48) on the sidewall (46) at the bottom that allow water to flow therethrough as shown in Figs. 1, 3 and 4 of Idota.” Thus, the Examiner admits that water flows through the chamber having the chemical agent (50).

The Examiner continues on to state that “there is no fluid present about deodorizing means 50 after the flushing of the urinal is finished.” Thus, the Examiner appears to rely on the fact that the water flows out of the chamber 44 and that the water is depleted from the chamber after the flushing operation to satisfy the limitation of having an essentially dry area in claim 1.

Claim 1 previously recited “said essentially dry area remaining essentially dry during any flushing operation.”

While it is believed that this previous version of claim 1 is distinguishable from Idota in which water is purposely passed over the deodorizing means, Applicant amends claim 1 as discussed below to clarify that the deodorizing means is not exposed to liquid.

In the present invention, the deodorizing means is provided in a dry area which remains dry throughout the flushing operation. This is completely different from Idota in which water flows over the deodorizing means throughout the flushing operation.

The Examiner asserts that since there are apertures to allow the water to flow out during a flushing operation, this area is “essentially dry” because “the degree of dryness is not defined.”

In an effort to further clarify the distinction between claim 1 and Idota, claim 1 is amended to state “~~said essentially dry area remaining essentially dry during any flushing operation~~ wherein the deodorizing means is not exposed to a flow of liquid”. This language is supported by page 1, paragraph [0006]. This change is intended to distinguish the claims from Idota, in which the deodorizing means is clearly exposed to a flow of liquid for the reasons discussed above.

The deodorizing agent 50 in Idota is not located in an essentially dry area since it is exposed to water during flushing operations, and since the water passes over the deodorizing agent 50 it is exposed to a flow of liquid, and therefore, the amended language of claim 1 is not met by the Idota reference.

Moreover, the remaining rejected claims 2-15 are patentable for at least the same reasons as claim 1, by virtue of their dependency therefrom.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/801,727

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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